

Thursday, October 26, 2017
Belmont, MA

Esteemed Members of Town Meeting:

Thank you for considering our proposed amendment to the Town's bylaws regarding the selection of members of the Planning Board. Article 6 proposes to amend the Town's bylaws to make our Planning Board popularly elected rather than appointed by the Board of Selectmen.

If adopted, this amendment will give voters in town the responsibility for electing Planning Board members to three-year terms at our annual town election. Current Planning Board positions that are up for reappointment in 2018 would, instead, be popularly elected. Current Planning Board members whose terms expire in 2018 could run for election. Other Belmont residents could also run for those open spots, giving our Town of Homes the benefit of the community's full breadth of talent and expertise, and allowing voters to choose the best-qualified candidate for this critical board.

This amendment is offered without consideration of any particular instantiation of the Planning Board. Rather, it addresses a structural flaw in Belmont's current bylaws: namely, that voters in Town have no avenue through which to express their preferences for a body whose purview touches residential and commercial development and whose decisions shape the very physical space of the town.

Critically, this amendment preserves the special relationship between the Board of Selectmen and The Planning Board. It retains the Board of Selectmen-appointed sixth Associate Member position. It also gives the Board of Selectmen the sole responsibility of filling interim vacancies until the next town election.

Finally, it is worth noting that elected Planning Boards are the rule among our peer communities like Lexington, Winchester, Wellesley, Bedford, Wayland, Sudbury, Weston and so on. Of the 39 communities in Middlesex county with governments similar to Belmont's (that is, towns with selectmen, not cities with mayors and city councils) 35 of 39 elect their planning boards. Those communities are well-served by those elected boards, which are staffed by residents with relevant skills and educational background, without regard to their political connections.

We believe that Belmont, also, will be well served by an elected Planning Board just as we are well-served by our other elected bodies like School Committee, our Board of Assessors, our Library Trustees and our Selectmen.

We urge you to support this amendment and look forward to a fruitful discussion in the weeks ahead.

Sincerely,
Paul Roberts, Wayne Mesard & Anne Mahon

Elected Planning Board Amendment – Frequently Asked Questions

What does this article ask Town Meeting to do?

This article is the result of a citizen's petition that was signed by 162 registered voters in Belmont. It asks Town Meeting to amend the town's bylaws such that the members of the Planning Board will be elected directly by voters, rather than appointed by our three-person Board of Selectmen.

What happens if Town Meeting votes YES or votes NO?

- If a majority of Town Meeting voting "YES" and approves the article, it will amend the town's bylaws as spelled out in the article: striking the existing section **§40-320 ("Planning Board.")** from Article 3 of the Town of Belmont General Bylaws ("Boards and Commissions Appointed by the Board of Selectmen") and inserting a new section, **§40-230 ("Planning Board.")** in Article 2 of the Town of Belmont General Bylaws ("Elected Boards, Commissions and Committees"). The wording of the new section, **§40-230** will also be inserted. It mostly resembles the existing language in Belmont's bylaws, but specifies that the Planning Board is to be elected at the annual Town Meeting and addresses how vacancies on the Board are filled in the interim before the next Town Election.

Also, because this is a change in how this Board is chosen, the Attorney General's Office will need to approve the bylaw change. It has 120 days from the date of passage to do so.

- If a majority of Town Meeting votes "NO" and does not approve the amendment, Belmont's bylaws regarding the appointment of Planning Board by the Board of Selectmen will be unchanged.

Why has this article been put forward?

Amending our bylaws to have voters elect our Planning Board will bring transparency, accountability and professionalism to a critical body whose jurisdiction extends to every private and commercial property in town. Elections will give voters the chance to evaluate all candidates for open positions on the Planning Board and then to choose those individuals who are best qualified and suited to represent Belmont's interests and priorities. This critical change to our bylaws will bring Planning Board in line with our Town's other administrative boards and committees, namely: Selectmen, School Committee, Board of Assessors, Board of Library Trustees and the Board of Health, members of which are all elected by voters.

Do other communities elect their Planning Boards?

If we look within Middlesex County at communities with Belmont's form of government (that is: towns run by Boards of Selectmen and Town Meetings, not cities with mayors or city councils like Newton, Cambridge, Lowell, Somerville, etc.), the vast majority elect their planning boards. Within Middlesex County, **35 of 39** such communities (or 90%) have opted for popularly elected

Planning Boards. Among them: Winchester, Lexington, Bedford, Lincoln, Sudbury, Weston, Natick, Sherborn, Stoneham, Wakefield, Westford, Holliston, Hopkinton, etc. etc.

Why Planning Board? Why now?

Planning Board is one of the most critical public bodies in our town. It has jurisdiction, under State law, over both our commercial centers and our private residences, including owned and rented dwellings. It is Planning Board, more than any other, that helps shape the town through its decisions concerning both residential and commercial development. With this in mind, professionalism and accountability are critical to the proper operation of the Planning Board.

As it stands, however, there is no mechanism in Belmont's bylaws to ensure that Planning Board is accountable to voters and the public. This is an omission in Belmont's bylaws that needs to be corrected. It is critical that voters in Belmont have a means to express their preferences for Planning Board as they do for other administrative bodies like School Committee or the Selectmen themselves.

Under our current bylaws, they can not. Rather, Planning Board members are appointed by a majority vote of the Board of Selectmen. Consider: it is the Selectmen, not the public, who receive and review applications from community members who are interested in a seat on the Planning Board. Voters in Belmont are not privy to who has applied for open seats nor are they given the benefit of the Board of Selectmen's reasons for eliminating any particular candidate or ultimately appointing one over another. Yes, voters may appeal to the Board to choose a particular candidate, assuming they even know who has applied, but the Selectmen are under no obligation to heed the voters. "Trust us" is the operative phrase.

Don't we make a choice about Planning Board when we vote for a Selectman?

It might be argued that voters can express their *Planning Board* preferences in their vote for a *Selectman (or Selectwoman)*. As a practical matter, however, this never happens. Planning Board appointments are not an issue in Board of Selectman races nor have promised appointments been deciding factors – or even talking points - in BOS races. Left unchanged, our bylaws will continue to shield the selection, decisions and actions of the Planning Board from voters and from any accountability.

How will we go from an appointed board to an elected board?

Gradually. Following Town Meeting approval of the bylaw amendment, the Attorney General's Office has 120 days to approve the change. Assuming that happens in good order, elections for 3-year Planning Board seats that are set to expire in 2018 will be held as part of the Town-wide election in April. Any individuals elected in April would assume their post on July 1 with the start of the new fiscal year. Appointed positions expiring in 2019 would be filled by election in April of that year and appointed positions expiring in 2020 would be filled by election in April of that year.

What about the sixth Associate Member of Planning Board?

The amended bylaw preserves the sixth, non-voting member of Planning Board as a Board of Selectmen appointment. Similarly, it gives the Board of Selectmen sole power to make interim appointments to the Planning Board should elected members be unable to serve out their full term. Selectmen appointees will take the place of elected members who are vacating their seat until the next Town election.

Is this the final word?

No. The Town's Bylaw Review Committee is reviewing the language of the proposed amendment and may make recommendations for changes. If so, a substitute article would likely be submitted prior to Special Town Meeting.

What if I have other questions?

We are happy to answer any questions you may have via email or in person. We are also anxious to meet with other groups of Town Meeting members to explain our proposed amendment. Feel free to contact us:

- Paul Roberts (TM P8) paulroberts@gmail.com m:617 817 0198
- Wayne Mesard (TM P3) wmesard@gmail.com
- Anne Mahon (TM P4) annemahon@comcast.net

Article ## Citizens' Petition – Amend General Bylaw Regarding Planning Board

MOVED: that the Town vote to amend Chapter 40 Article 3 ("Boards and Commission Appointed by the Board of Selectmen") and Chapter 40 Article 2 ("Elected Boards, Commissions and Committees") of the Town of Belmont General Bylaws by striking Section **§40-320 ("Planning Board.")** from Article 3 of the Town of Belmont General Bylaws ("Boards and Commissions Appointed by the Board of Selectmen") and inserting a new section, **§40-230 ("Planning Board.")**, in Article 2 of the Town of Belmont General Bylaws ("Elected Boards, Commissions and Committees") as follows:

§40-230 Planning Board.

A. The Planning Board established under M.G.L. Ch. 41 § 70., shall consist of five members elected by ballot at the Annual Town Election for a term of three years. At least one member shall be elected in each year. A vacancy on Planning Board occurring otherwise than by expiration of term shall be filled for the unexpired term by appointment by the Board of Selectmen until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term. Nothing in this subsection shall be construed to limit the authority of the Board of Selectmen, pursuant to Section 7.4.1 of the Zoning Bylaw, to appoint one additional associate member to the Planning Board for the purposes set forth therein.

B. In the performance of its duties prescribed by law, the Planning Board shall from time to time confer with the Selectmen, the Inspector of Buildings, and any other Town board or committee which the Planning Board determines would be able to provide information or assistance to it.

Submitted by TMMs Paul Roberts (8), Wayne Mesard (3) and Anne Mahon (4)

Reason for Amendment

This amendment is offered to permit Belmont voters to choose the individuals who are best qualified and suited to represent their interests as members of the town's Planning Board. This amendment would bring the Planning Board in line with the other major administrative boards in town: Selectmen, School Committee, Board of Assessors, Board of Library Trustees and the Board of Health, members of which are all elected.

Proposed bylaw amendment to elect Belmont Planning Board – High Level & Wording Changes

Chapter 40 Boards, Commissions and Committees

Article 2: Elected Boards, Commissions and Committees

- § 40-200 **Board of Selectmen.**
- § 40-205 **School Committee**
- § 40-210 **Board of Assessors.**
- § 40-215 **Board of Cemetery Commissioners.**
- § 40-220 **Board of Health.**
- § 40-225 **Trustees of the Public Library**

Article 3: Boards and Commissions Appointed by the Board of Selectmen

- § 40-300 **Conservation Commission.**
- § 40-305 **Council on Aging.**
- § 40-310 **Disability Access Commission.**
- § 40-315 **Historic District Commission.**
- § 40-320 **Planning Board.**
- § 40-325 **Recreation Commission.**
- § 40-330 **Water Advisory Board.**

Current

Chapter 40 Boards, Commissions and Committees

Article 2: Elected Boards, Commissions and Committees

- § 40-200 **Board of Selectmen.**
- § 40-205 **School Committee**
- § 40-210 **Board of Assessors.**
- § 40-215 **Board of Cemetery Commissioners.**
- § 40-220 **Board of Health.**
- § 40-225 **Trustees of the Public Library**
- § 40-230 ***Planning Board.***

Article 3: Boards and Commissions Appointed by the Board of Selectmen

- § 40-300 **Conservation Commission.**
- § 40-305 **Council on Aging.**
- § 40-310 **Disability Access Commission.**
- § 40-315 **Historic District Commission.**
- ~~§ 40-320~~ ***Planning Board.***
- § 40-325 **Recreation Commission.**
- § 40-330 **Water Advisory Board.**

Amended

§ 40-320 Planning Board.

A.

The Planning Board established under MGL c. 41, § 70, shall consist of five members who shall be appointed by the Selectmen; provided, however, that nothing in this subsection shall be construed to limit the authority of the Board of Selectmen, pursuant to Section 7 of the Zoning Bylaw, to appoint an associate member for the purposes set forth therein.

[Amended 11-8-2010 ATM, approved 12-16-2010]

B.

In the performance of its duties prescribed by law, the Planning Board shall from time to time confer with the Selectmen, the Inspector of Buildings, and any other Town board or committee which the Planning Board determines would be able to provide information or assistance to it.

[Amended 5-29-2013 STM, approved 10-8-2013]

Current

§40-230 Planning Board.

A. The Planning Board established under M.G.L. Ch. 41 § 70., shall consist of five members ~~who shall be appointed by the Selectmen;~~ ***elected by ballot at the Annual Town Election for a term of three years. At least one member shall be elected in each year. A vacancy on Planning Board occurring otherwise than by expiration of term shall be filled for the unexpired term by appointment by the Board of Selectmen until the next annual election, at which time, such office shall be filled, by election, for the remainder of the unexpired term.*** Nothing in this subsection shall be construed to limit the authority of the Board of Selectmen, pursuant to Section 7.4.1 of the Zoning Bylaw, to appoint one additional associate member to the Planning Board for the purposes set forth therein.

B. In the performance of its duties prescribed by law, the Planning Board shall from time to time confer with the Selectmen, the Inspector of Buildings, and any other Town board or committee which the Planning Board determines would be able to provide information or assistance to it.

Amended

Middlesex: Planning Board Appointments

